

JOSEPH P. RUSSONIELLO (CASBN 44332)  
United States Attorney

BRIAN J. STRETCH (CASBN 163973)  
Chief, Criminal Division

BENJAMIN T. KENNEDY (CASBN 241350)  
Assistant United States Attorney

150 Almaden Boulevard  
San Jose, California 95113  
Telephone: (408) 535-5059  
Facsimile: (408) 535-5066  
Email: benjamin.t.kennedy@usdoj.gov

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Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-00745 JF
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER EXCLUDING TIME FROM
v.	)	FEBRUARY 6, 2008 TO MARCH 5, 2008
	)	FROM THE SPEEDY TRIAL ACT
JOSE TORRES-CALDERON,	)	CALCULATION (18 U.S.C. §
	)	3161(h)(8)(A))
Defendant.	)	
	)	
	)	

The parties stipulate that the time between February 6, 2008 and March 5, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.

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1 18 U.S.C. §3161(h)(8)(A).

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3 DATED: February 11, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

4  
5 /s/  
6 BENJAMIN T. KENNEDY  
Assistant United States Attorney

7  
8 /s/  
9 JERRY FONG  
Attorney for Defendant

**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between February 6, 2008 and March 5, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: 2/15/08

  
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JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE